



## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

Work-Product

**DOCKET NUMBER:** BC-2024-02722

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

He be disenrolled from the Survivor Benefit Plan (SBP) and reimbursed all premiums deducted from his retired pay.

### **APPLICANT'S CONTENTIONS**

He was erroneously enrolled in SBP, and premiums are being unjustly deducted from his retired pay. He completed DD 2656-5, *Reserve Component Survivor Benefit Plan (RCSBP)*, at the time of his retirement and elected to decline making a decision until age 60, as this is when his military pay would be available to him. However, ARPC/AFPC enrolled him in the default selection of SBP. Once he discovered the enrollment, he inquired about the SBP deduction and was informed there was nothing he could do. Now, years later he was advised to apply to the AFBCMR. He has the original DD 2656-5 as well as a new one ARPC/AFPC requested he complete.

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

The applicant is a medically retired Air National Guard master sergeant (E-7).

On 28 Dec 14, according to Special Order **Work-Product**, dated 11 Dec 14, the applicant was relieved from active duty and permanently disability retired, effective 29 Dec 14, with a compensable percentage for physical disability of 50 percent. He was credited with 25 years, 1 month, and 15 days of service for basic pay.

On 8 Jan 15, according to DD Form 2656-5, the applicant elected Option A, *I decline to make an election until Age 60*, and his spouse concurred with the decision.

On 18 May 23, according to DD Form 2656-8, *Survivor Benefit Plan (SBP) – Automatic Coverage Fact Sheet*, indicating he was married with no dependent children. His spouse signed as a witness.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

### **AIR FORCE EVALUATION**

**AFBCMR Docket Number BC-2024-02722**

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AFPC/DPFC (Casualty Matters Division) recommends granting the application. All retiring service members are required to attend a mandatory one-on-one SBP briefing with a certified SBP counselor and make an SBP election, including declination, prior to retiring. Additionally, Public Law 99-145, dated 8 Nov 85, established the requirement to obtain a spouse's written concurrence if a member, who retires on or after 1 Mar 86, elects less than full spouse SBP coverage (Title 10, U.S.C. Section 1448 (a)(3)). The member's SBP election is recorded on DD Form 2656, *Data for Payment of Retired Personnel*, prior to the official retirement date. If the member did not receive an SBP briefing due to an administrative oversight or there is an error on the DD Form 2656 to include missing dates, signatures, spouse concurrence, notary signature, and other discrepancies the election is deemed invalid by the Defense Finance Accounting Service (DFAS) and auto coverage is established to comply with the law.

The applicant was medically retired on 29 Dec 14 and was married to his spouse at the time of retirement. However, there is no evidence the applicant received the mandatory SBP counseling required by law prior to his retirement. Furthermore, there is no evidence to support the required DD Form 2656 was completed nor submitted to DFAS before his retirement date. On 8 Jan 15, after his retirement, the applicant signed DD Form 2656-5, electing Option A. Later, on 2 Apr 24, the applicant submitted another DD Form 2656-5, again electing Option A. However, as a medically retired service member transitioned under active duty provisions, his SBP election should have been documented on DD Form 2656 and submitted at the time of retirement. Evidence suggests an administrative oversight occurred in this case. It is possible the SBP counselor was not notified of the applicant's medical retirement status, or the applicant was unaware of his obligation to schedule an SBP briefing and submit the proper documentation. As a result of these oversights and the absence of a valid DD Form 2656 submission at the time of retirement, DFAS automatically enrolled the applicant into SBP with spouse coverage effective 29 Dec 14, as required by law. To resolve this issue, the applicant submitted the incorrect documents to DFAS on two occasions (8 Jan 15 and 2 Apr 24), which indicates he was not aware of where or who could provide appropriate and timely resolution. For this reason, AFPC/DPFC recommends approval of the applicant's request retroactive to date of retirement.

The complete advisory opinion is at Exhibit C.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 16 Dec 24 for comment (Exhibit D) but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPFC and finds a preponderance of the evidence substantiates the applicant's contentions. There is no evidence the applicant received the mandatory SBP briefing to make an informed SBP election prior to retirement, as required by law. Therefore, the Board recommends correcting the applicant's records as indicated below.

## RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

- a. On 28 Dec 14, he declined to participate in the Survivor Benefit Plan (SBP), with spousal concurrence.
- b. He be authorized full reimbursement of all SBP premiums withheld from his retired pay.

## CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-02722 in Executive Session on 29 May 25:

Work-Product, Panel Chair  
Work-Product, Panel Member  
Work-Product, Panel Member

All members voted to correct the record. The panel considered the following

- Exhibit A: Application, DD Form 149, w/atchs, dated 29 Jul 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 12 Dec 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Dec 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

6/11/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF

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